

## **AGENDA**

### **SPECIAL MEETING BOARD OF MAYOR AND ALDERMEN (ROAD HEARING)**

**October 16, 2006**

**6:00 PM  
Aldermanic Chambers  
City Hall (3<sup>rd</sup> Floor)**

1. Mayor Guinta calls the meeting to order.
2. Mayor Guinta calls for the Pledge of Allegiance.  
  
A moment of silent prayer is observed.
3. The Clerk calls the roll.
4. Mayor Guinta advises that the purpose of the road hearing is to hear those wishing to speak in favor of or in opposition to proposed street discontinuance petitions, followed by viewing the area of the petitions and determination of the action to be taken on such petitions. Such petitions shall be addressed at which time the Public Works Director shall be requested to make a presentation followed by those wishing to speak in favor will be heard, followed by those wishing to speak in opposition. Anyone wishing to speak must first step to the nearest microphone when recognized and state his/her name and address in a clear, loud voice for the record. Each person will be given only one opportunity to speak and any questions must be directed to the Chair.
  - A. *Discontinuance petition of Allard Drive (formerly known as North Turner Street), Chagnon Street, Lumber Lane, and Douglas Street*

Mayor Guinta requests that Frank Thomas, Public Works Director, make a presentation.

Mayor Guinta calls for those wishing to speak in favor.

Mayor Guinta calls for those wishing to speak in opposition.

**B.**     *Discontinuance petition of a portion of West Mitchell Street*

Mayor Guinta requests that Frank Thomas, Public Works Director, make a presentation.

Mayor Guinta calls for those wishing to speak in favor.

Mayor Guinta calls for those wishing to speak in opposition.

5. Mayor Guinta advises that a motion is in order to recess the hearing and proceed to view the areas of petitions presented.
6. Mayor Guinta calls the meeting back to order at the site of the first petition.

**4A.**     *Discontinuance petition of Allard Drive (formerly known as North Turner Street), Chagnon Street, Lumber Lane, and Douglas Street*  
**Ladies and Gentlemen, what is your pleasure?**

7. Mayor Guinta calls the meeting back to order at the site of the second petition.

**4B.**     *Discontinuance petition of a portion of West Mitchell Street*  
**Ladies and Gentlemen, what is your pleasure?**

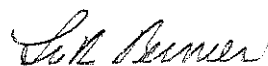
8. Mayor Guinta advises that this being a special meeting of the Board, no further business shall be presented and a motion to adjourn would be in order.

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that a petition to discontinue Allard Drive (formerly known as North Turner Street), Chagnon Street, Lumber Lane, and Douglas Street be referred to a Road Hearing to be held on Monday, October 16, 2006 at 6 PM in the Aldermanic Chambers of City Hall.

*(Unanimous)*

Respectfully submitted,



Clerk of Committee

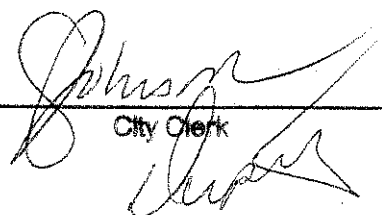
At a meeting of the Board of Mayor and Aldermen

held Sept. 5, 2006 on a motion of Ald. O'Neil

duly seconded by Ald. Duval the report

of the Committee was accepted and its recommendations

(adopted) ~~(denied)~~

  
\_\_\_\_\_  
City Clerk

4A+b

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that a petition to discontinue Allard Drive (formerly known as North Turner Street), Chagnon Street, Lumber Lane, and Douglas Street be referred to a Road Hearing to be held on Monday, October 16, 2006 at 6 PM in the Aldermanic Chambers of City Hall.

*(Unanimous)*

Respectfully submitted,

*Pat Sumner*

Clerk of Committee

At a meeting of the Board of Mayor and Aldermen.

held Sept 5, 2006 on a motion of Ald. O'Neil

duly seconded by Ald. Duval the report

of the Committee was accepted and its recommendations

(adopted) ~~(denied)~~

*John*  
\_\_\_\_\_  
City Clerk

4A+6



THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION



CAROL A. MURRAY, P.E.  
Commissioner

JEFF BRILLHART, P.E.  
Assistant Commissioner

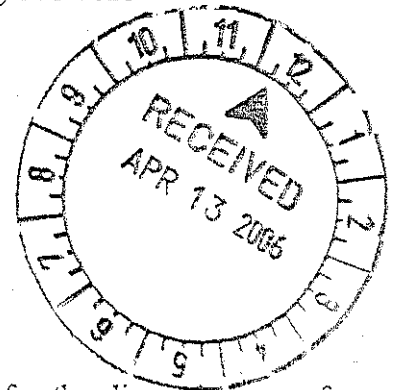
MANCHESTER  
10622A  
(I-293/Exit 5 - Granite Street Interchange)

Bureau of Highway Design  
Room 200  
Tel: (603) 271-3725  
Fax: (603) 271-7025

Date April 11, 2006

Mr. Dennis Anctil, P.E.  
Manchester Public Works  
227 Maple Street  
Manchester, NH 03103-5596

Dear Dennis Anctil:



The Department would like to ask the City of Manchester for the discontinuance of Allard Drive beginning at the intersection of Granite Street northerly to Foundry Street, Chagnon Street beginning at Allard Drive westerly to the end of Chagnon Street, Lumber Lane from the southerly end of Lumber Lane to the northerly end of Lumber Lane, and Douglas Street from the easterly end westerly to the relocated Allard Drive as shown on the attached plan.

The above items will allow the Allard Family, LC to construct site modification to accommodate an addition to their existing warehouse that will allow for continued operation of their business after the removal of their buildings located east of Allard Street. The buildings east of Allard Street need to be removed before construction of the new southbound off-ramp from I-293 at Exit 5 can begin. This work is included under the Manchester 10622C project, which is under way currently.

If you or the City has, any questions please feel free to contact me.

Sincerely,

L. Robert Landry, Jr., P.E.  
Project Manager

cc: W. Cass, Assistant Director of Project Development  
V. Chase, Right-of-Way Engineer, Bureau of Right-of-Way

s:\manchest\10622a\letters\anctil 041106 discontinue.doc

4 n + b

*To the Honorable Board of Mayor and Aldermen of the  
City of Manchester:*

**PETITION TO DISCONTINUE A PORTION OF A HIGHWAY**

**Allard Drive (formerly known as North Turner Street),  
Chagnon Street, Lumber Lane, and Douglas Street**

The undersigned, Carol A. Murray, Commissioner for the New Hampshire Department of Transportation, respectfully represents for the accommodation of the public, there is occasion for discontinuing portions of certain highways known as Chagnon Street, Allard Drive, Lumber Lane, and Douglas Street in Manchester, New Hampshire as shown on a plan entitled "Proposed Street Discontinuance, Allard Drive (Formerly Known as North Turner Street), Chagnon Street, Lumber Lane, Douglas Street" dated March 2006 by City of Manchester. The layout of Allard Drive, formerly known as North Turner Street and River Road predates the records of the City of Manchester. The layout of the full length of Chagnon Street is recorded in Book 15 at page 370 of the records of the Highways, Streets and Bridges of the City Clerk of the City of Manchester. The layout of the full length of Lumber Lane is recorded in Book 15 at page 10 of the records of the Highways, Streets, and Bridges of the City Clerk of the City of Manchester. The layout of the full length of Douglas Street is recorded in Book 10 at page 81 of the records of the Highways, Streets, and Bridges of the City Clerk of the City of Manchester.

NOW THEREFORE, the undersigned hereby respectfully requests you to discontinue the above described portions of Allard Drive, Chagnon Street, Lumber Lane and Douglas Drive, and that it henceforth not be utilized for public rights.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

**Allard Drive Discontinuance**

Beginning at the intersection of the northerly line of Granite Street thence northerly to the southerly line of Foundry Street.

Containing 2,290 linear feet to be the same more or less.

**Chagnon Street Discontinuance**

Also, a certain portion of Chagnon Street in the City of Manchester, County of Hillsborough, State of New Hampshire, more particularly bounded and described as follows:

Beginning at the intersection of the westerly line of Allard Drive thence westerly to the westerly end of Chagnon Street.

Containing 245 linear feet to be the same more or less.

HA+6

### Lumber Lane Discontinuance

Also, a certain portion of Lumber Lane in the City of Manchester, County of Hillsborough, State of New Hampshire, more particularly bounded and described as follows:

Beginning at the southerly end of Lumber Lane, being the westerly line of Allard Drive, formerly known as North Turner Street, thence northerly to the end of Lumber Lane.

Containing 286 linear feet to be the same more or less.

### Douglas Street Discontinuance

Also, a certain portion of Douglas Street in the City of Manchester, County of Hillsborough, State of New Hampshire, more particularly bounded and described as follows:

Beginning at the easterly end of Douglas Street, being the westerly line of Allard Drive, formerly known as North Turner Street, thence westerly to the easterly line of the relocated Allard Drive.

Containing 130 linear feet to be the same more or less.



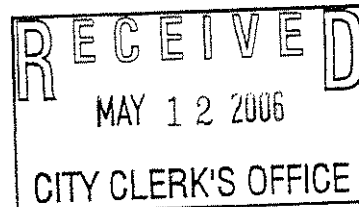
Carol A. Murray, Commissioner  
New Hampshire Department of Transportation

4-10-16



**City of Manchester  
Department of Highways**

227 Maple Street  
Manchester, New Hampshire 03103-5596  
(603) 624-6444 Fax # (603) 624-6487



**Commission**  
Edward J. Beleski  
- Chairman  
Joan Flurey  
William F. Houghton Jr.  
Robert R. Rivard  
William A. Varkas

Frank C. Thomas, P.E.  
Public Works Director

Kevin A. Sheppard, P.E.  
Deputy Public Works Director

May 11, 2006

Community Improvement Committee of the Board of Mayor and Aldermen  
c/o Leo R. Bernier, City Clerk  
One City Hall Plaza  
Manchester, New Hampshire 03101

Re: PETITION TO DISCONTINUE ALLARD DRIVE (FORMERLY KNOWN AS NORTH  
TURNER STREET), CHAGNON STREET, LUMBER LANE, AND DOUGLAS STREET

Dear Committee:

The Manchester Highway Department supports the petition by the State of New Hampshire for the discontinuance of Allard Drive (formerly known as North Turner Street or River Road), Chagnon Street, Lumber Lane, and Douglas Street in conjunction with the Granite Street widening project.

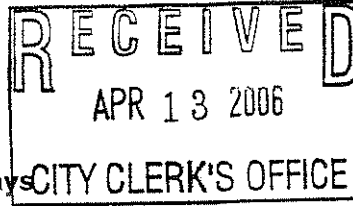
Sincerely,

Frank Thomas, P.E.  
Public Works Director

MJM  
cc: File

HA+10





**City of Manchester  
Department of Highways**

227 Maple Street  
Manchester, New Hampshire 03103-5596  
(603) 624-6444 Fax # (603) 624-6487

**Commission**  
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- Chairman  
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William A. Varkas

Frank C. Thomas, P.E.  
Public Works Director

Kevin A. Sheppard, P.E.  
Deputy Public Works Director

April 13, 2006

Mr. Leo Bernier  
City Clerk  
City Hall  
Manchester, NH

Re: Petition to Discontinue Portions of  
Lumber Lane, Chagnon Street, Douglas Street and Allard Drive

Dear Mr. Bernier,

Attached is a petition from the New Hampshire Department of Transportation for the discontinuance of portions of Lumber Lane, Chagnon Street, Douglas Street and Allard Drive

This petition is necessary for the state's exit 5 improvements project.

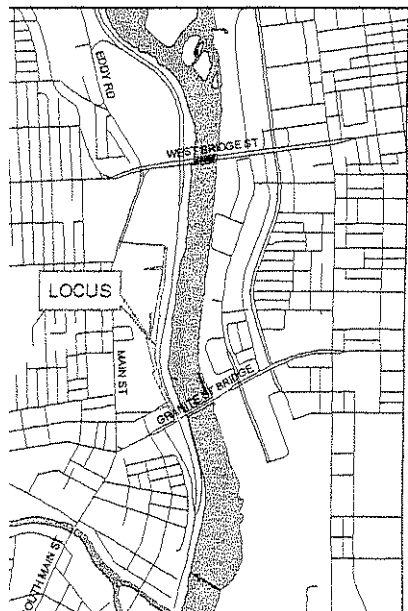
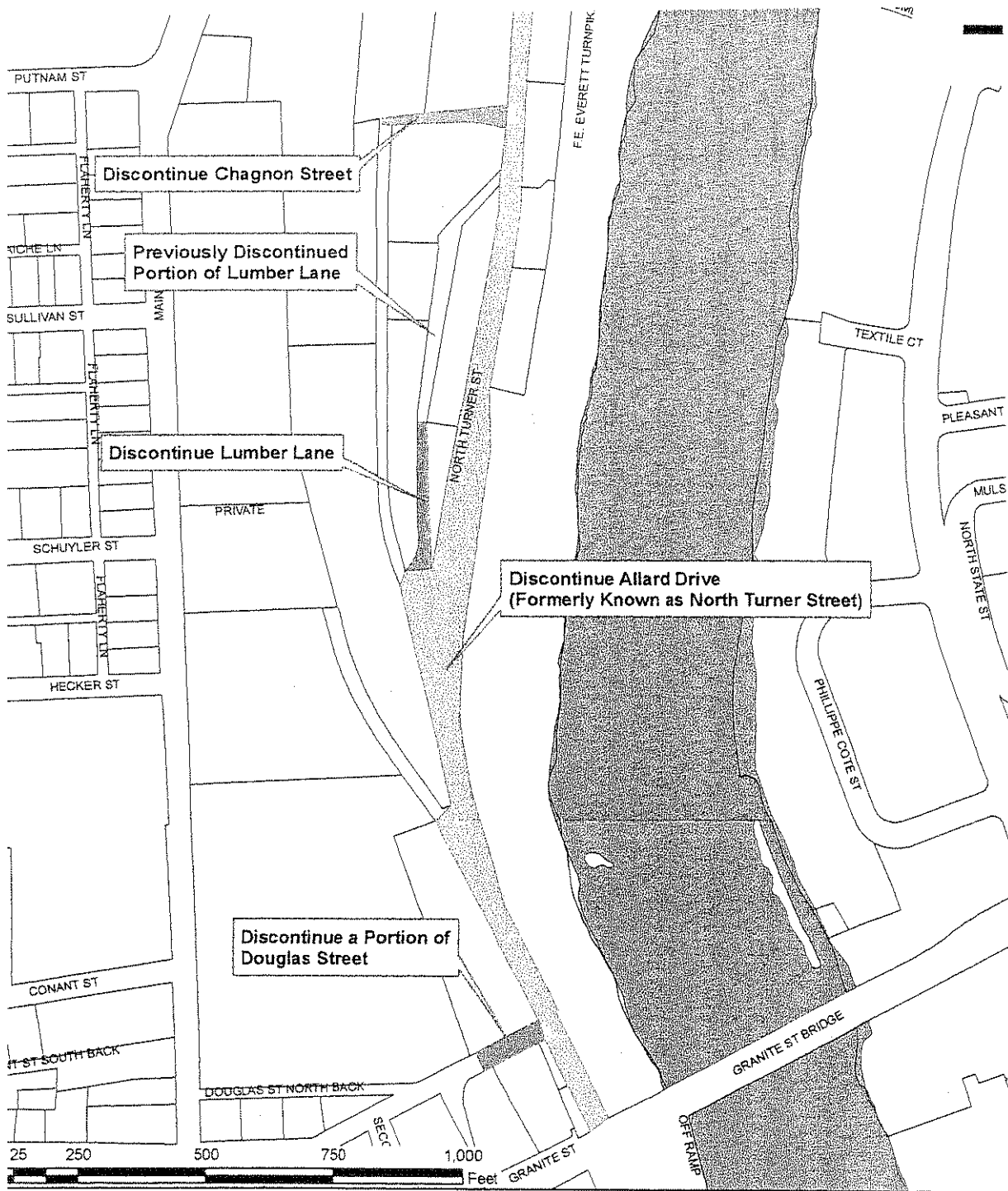
Sincerely,

Dennis Ancil, P.E.

Enclosures

Cc: Frank Thomas, P.E.  
Robert Landry, P.E., NHDOT

HA+H



Proposed Street Discontinuance  
**Allard Drive (Formerly Known as North Turner Street)**  
**Chagnon Street, Lumber Lane, Douglas Street**



Manchester, NH  
 March 2006

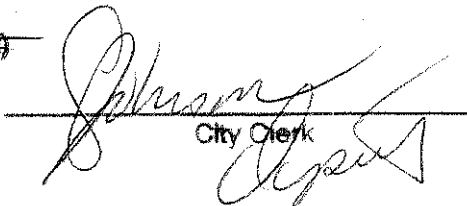
*Handwritten signature: HATH*

To the Board of Mayor and Aldermen of the City of Manchester:


The Committee on Community Improvement respectfully recommends, after due and careful consideration, that a petition to discontinue a portion of West Mitchell Street be referred to a Road Hearing to be held on Monday, October 16, 2006 at 6 PM in the Aldermanic Chambers of City Hall.

At a meeting of the Board of Mayor and Aldermen  
held Sept. 5, 2006 on a motion of Ald. O'Neil  
duly seconded by Ald. Duval the report  
of the Committee was accepted and its recommendations

(adopted) ~~(denied)~~

  
City Clerk

Respectfully submitted;



Clerk of Committee

HB-7

ANDREW H. SULLIVAN

Attorney At Law

P.O. Box 10354  
24 Eastman Avenue  
Bedford, New Hampshire 03110

Tel (603) 644-5291  
Fax (603) 644-0268

April 26, 2006

Board of Mayor & Alderman  
C/o Leo R. Bernier, City Clerk  
City of Manchester  
One City Hall Plaza  
Manchester, NH 03101

RE: PETITION TO RELEASE AND DISCHARGE FROM PUBLIC  
SERVITUDE:

[a] Subject to the reservation described in ¶ [c], below:  
West Mitchell Street from the easterly line of Wolcott Street to  
the easterly line of the Boston & Maine Rail Road right of way,  
as situate between Tax Map 685, Lot 1 on the north and Tax  
Map 465, Lot 1 on the south, as shown on Manchester Tax  
Map 685. *This section of West Mitchell Street is hi-lited in  
green on the enclosed plan.*

[b] Subject to the reservation described in ¶ [c], below:  
Wolcott Street from the southerly line of West Mitchell Street  
to the northerly line of Low Street, as shown on Manchester  
Tax Map 685. *This section of Wolcott Street is hi-lited in  
yellow on the enclosed plan.*

[c] Excepted and reserved out of the descriptions in ¶¶  
[a] and [b], above, is that area of the current, Class IV section  
of West Mitchell Street which otherwise overlaps the area  
described in ¶¶ [a] and [b], above. *This section of the Class  
IV portion of West Mitchell Street is hi-lited in pink on the  
enclosed plan.*

Gentlemen:

I represent Yvan Rivard in this matter. He is the owner of Tax Map 685, Lot 1.

The above-referenced sections of West Mitchell Street and Wolcott Street are depicted  
on old city tax maps as "paper streets".

Through this letter, and on behalf of Yvan Rivard it is requested that the above-  
referenced sections of Wolcott Street and West Mitchell Street be released and  
discharged from public servitude.

41B+7

Although an accepted city street, when West Mitchell Street was relocated, the above-referenced section of West Mitchell Street was filled in and never thereafter used, for a period in excess of 5 years. This section of West Mitchell Street is now an unmaintained Class VI road.

The above-section of Wolcott Street has never been accepted, opened, built or used for public travel within 20 years, or thereafter, of its dedication by being depicted on recorded plans. On information and belief, it has its original stand of trees thereon.

Neither of these road sections, for well in excess of 20 years prior to 1969 have been built out, used for public or private travel or served as "frontage" for the purpose of building permit issuance for abutting lots.

Enclosed, also, please find abutters list.

Abutters' lots would be enhanced by the release as under Duchesnave v. Silva, 118 NH 728, 394 A2d 59 (1978), one-half of each discontinued way, from its center line, would accrue to that half's abutting lot. No other property owner would be affected.

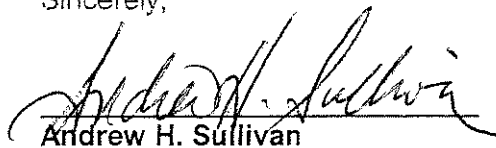
Enclosed, also, is the applicable section of Tax Map 685 and a plan drawn of the area with the affected section of West Mitchell Street hi-lited in green and the affected section of Wolcott Street hi-lited in yellow. That section of the current Class IV section of West Mitchell Street which is not part of this request is hi-lited in pink.

Because this section of Wolcott Street has never been opened, built or used for public travel within 20 years of it being shown on a plan of land recorded in the registry of deeds, then, pursuant to RSA 231:51, it may be released and discharged from public servitude by vote of the Mayor and Board of Alderman.

This section of West Mitchell Street may be released and discharged from public servitude upon petition, and notice and hearing thereon pursuant to RSA 231:52.

Thank you.

Sincerely,

  
Andrew H. Sullivan

Cc: Yvan Rivard

4B+7

100







**City of Manchester  
Department of Highways**

227 Maple Street  
Manchester, New Hampshire 03103-5596  
(603) 624-6444 Fax # (603) 624-6487

**Commission**

Edward J. Beleski  
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Robert R. Rivard  
William A. Varkas

Frank C. Thomas, P.E.  
Public Works Director

Kevin A. Sheppard, P.E.  
Deputy Public Works Director

May 11, 2006

Community Improvement Committee of the Board of Mayor and Aldermen  
City Hall  
c/o Leo R. Bernier, City Clerk  
One City Hall Plaza  
Manchester, New Hampshire 03101

RE: PETITION TO RELEASE AND DISCHARGE WEST MITCHELL STREET

Dear Committee Members,

We have reviewed the referenced item and have found the following:

West Mitchell Street was dedicated as Mitchell Ave by a subdivision plan entitled "Brown Avenue Terrace Manchester, N.H. owned by J.W. Wilbur" dated December 30, 1910 and recorded as plan 503-A-3 at the Hillsborough County Registry of Deeds.

West Mitchell Street was laid out from Brown Avenue westerly to the Boston & Maine Railroad land as a public way August 21, 1921. The action was recorded at Highways, Streets and Bridges book 9 page 215.

Sewer, water and drainage was installed in the street. A utility easement was obtained to cross the Boston & Maine Railroad at the extension of the original street line in March 1973.

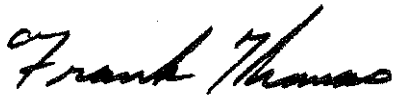
About 1944 the westerly end of West Mitchell Street was realigned, through a portion of Pine Grove Cemetery, to accommodate the steep grade change. The alignment was shown on plan entitled "West Mitchell Grade Crossing", recorded as subdivision plan 175 at the Manchester Highway Department. It appears the road may not have been built as shown on this plan.

21B+7



The realignment of West Mitchell Street left that portion of the street that lies west of the actual street location as an unmaintained Class VI road with public utilities. The City may consider discontinuing this portion of West Mitchell Street but subject to a 50' easement for the existing and future utilities. Before discontinuing the public street, it is advisable to have the petitioner provide a boundary plan delineating the accepted street, the realigned street and the easement areas as the highlighting of an exhibit plan is inadequate for our purposes.

Sincerely,

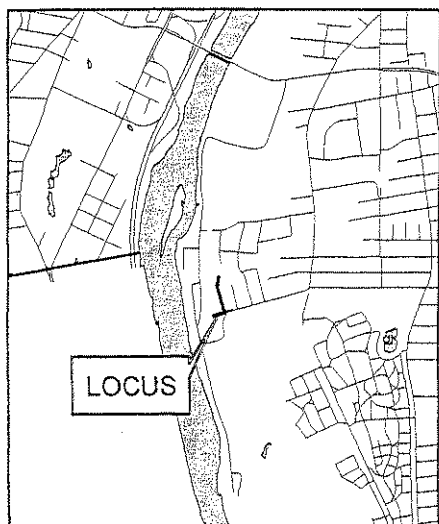
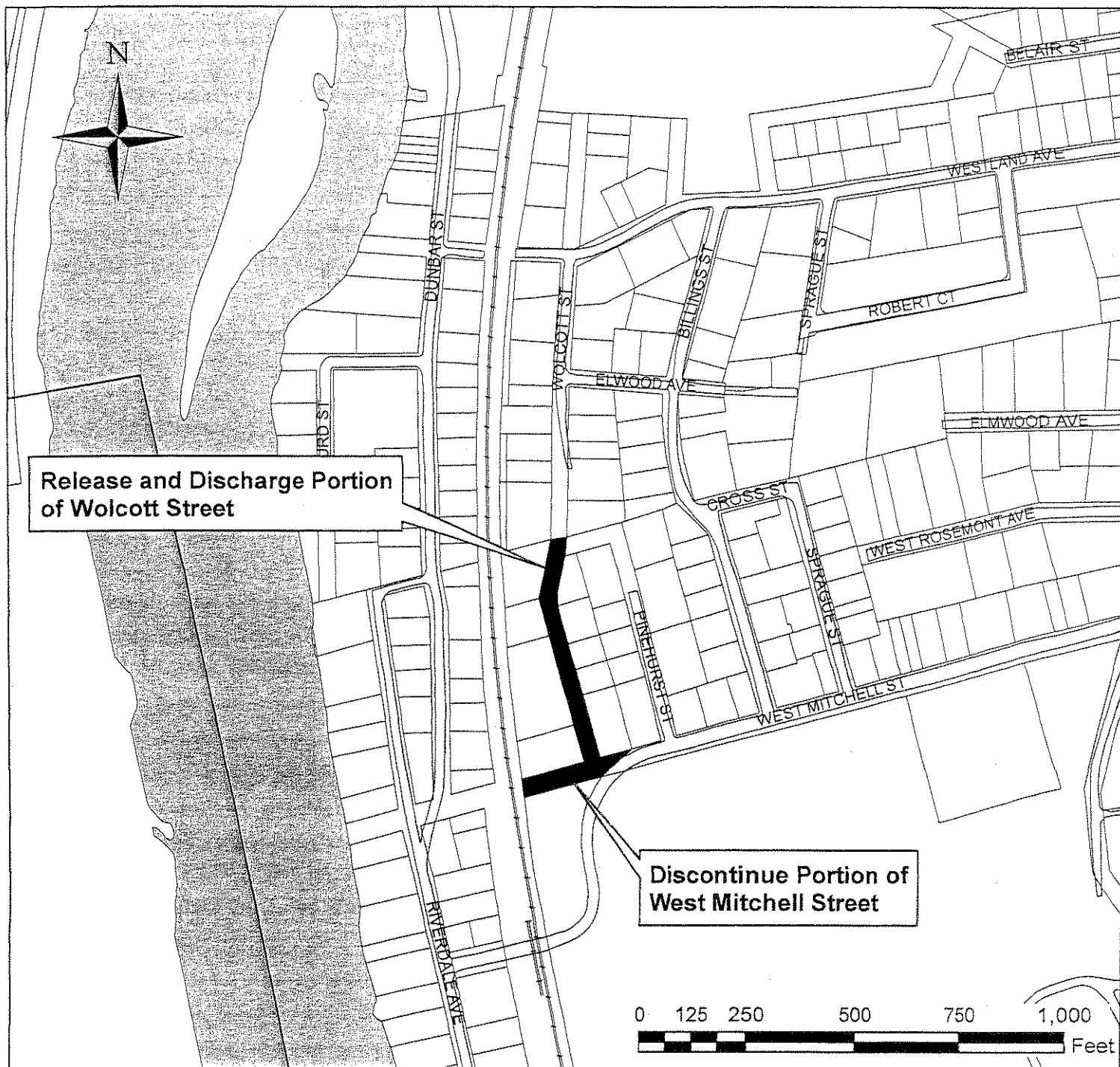
A handwritten signature in black ink that reads "Frank Thomas". The signature is written in a cursive, slightly slanted style.

Frank Thomas, P.E.  
Public Works Director

MJM

cc: File

413+7



Proposed Street Discontinuance  
**Wolcott Street**



Manchester, NH  
May 2006

21R+7